

# House File 2743 - Enrolled

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HOUSE FILE 2743

AN ACT

RELATING TO AND MAKING APPROPRIATIONS FROM THE HEALTHY IOWANS TOBACCO TRUST AND THE TOBACCO SETTLEMENT TRUST FUND, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. HEALTHY IOWANS TOBACCO TRUST == APPROPRIATIONS TO DEPARTMENTS. There is appropriated from the healthy Iowans tobacco trust created in section 12.65 to the following departments for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To the department of human services:

a. To supplement the medical assistance program appropriations for the fiscal year, including for reimbursement of noninstitutional medical assistance providers with the exception of anesthesia and dental providers and to continue the resource-based relative value system of reimbursement based upon the reimbursement rates established for the fiscal year beginning July 1, 2006, and ending June 30, 2007, pursuant to 2006 Iowa Acts, House File 2734, if enacted; for reimbursement of dental services, hospitals, home health care services, critical access hospitals, expansion of home health care services and habilitative day care for children with special needs, and expansion of respite care services provided through home and community-based waivers based upon the reimbursement rates established for the fiscal year beginning July 1, 2006, and ending June 30, 2007, pursuant to 2006 Iowa Acts, House File 2734, if enacted; and for provision of coverage to women who require treatment for breast or cervical cancer as provided in section 249A.3, subsection 2, paragraph "b":

.....	\$ 35,013,803
Of the amount appropriated in this paragraph, \$250,000 shall be used to continue the efforts of the Iowa chronic care consortium pursuant to 2003 Iowa Acts, chapter 112, section 12, as amended by 2003 Iowa Acts, chapter 179, sections 166 and 167.	
b. For child and family services and adoption subsidy services including for reimbursement of rehabilitative treatment and support services providers, adoption, independent living, shelter care, and home studies services providers, and other service providers under the purview of the department of human services:	
.....	\$ 4,257,623
c. To continue the supplementation of the children's health insurance program appropriation:	
.....	\$ 200,000
d. For general administration of health-related programs:	
.....	\$ 274,000
2. To the Iowa department of public health:	
a. For the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A and for not more than the following full-time equivalent positions:	
.....	\$ 5,928,465
.....	FTEs 7.00
(1) The director of public health shall dedicate sufficient resources to promote and ensure retailer compliance with tobacco laws and ordinances relating to persons under 18 years of age, and shall prioritize the state's compliance in the allocation of available funds to comply with 42 U.S.C. } 300x=26 and section 453A.2.	
(2) Of the full-time equivalent positions funded in this paragraph "a", two full-time equivalent positions shall be utilized to provide for enforcement of tobacco laws, regulations, and ordinances under a chapter 28D agreement entered into between the Iowa department of public health and the alcoholic beverages division of the department of	

3 4 commerce.  
 3 5 (3) Of the funds appropriated in this paragraph "a", not  
 3 6 more than \$525,759 shall be expended on administration and  
 3 7 management of the program.  
 3 8 (4) Of the funds appropriated in this paragraph "a", not  
 3 9 less than 80 percent of the amount expended in the fiscal year  
 3 10 beginning July 1, 2001, for community partnerships shall be  
 3 11 expended in the fiscal year beginning July 1, 2006, for that  
 3 12 purpose.  
 3 13 b. For provision of smoking cessation and smoking-related  
 3 14 diseases products as provided in this paragraph:  
 3 15 ..... \$ 75,000  
 3 16 The department shall award grants to free health clinics  
 3 17 that are tax-exempt organizations pursuant to 26 U.S.C. } 501  
 3 18 (c)(3) to fund the provision of smoking cessation and smoking-  
 3 19 related diseases products to patients. The department shall  
 3 20 adopt a methodology for the awarding of the grants to the  
 3 21 health clinics based upon the order of receipt of  
 3 22 applications.  
 3 23 c. For additional substance abuse treatment under the  
 3 24 substance abuse treatment program:  
 3 25 ..... \$ 13,800,000  
 3 26 (1) The department shall use funds appropriated in this  
 3 27 paragraph "c" to enhance the quality of and to expand the  
 3 28 capacity to provide 24-hour substance abuse treatment  
 3 29 programs.  
 3 30 (2) The department shall use funds appropriated in this  
 3 31 paragraph "c" to expand the length of individual client  
 3 32 substance abuse treatment plans, as necessary to reduce  
 3 33 program recidivism.  
 3 34 (3) The department shall use funds appropriated in this  
 3 35 paragraph "c" to share research-based best practices for  
 4 1 treatment with substance abuse treatment facilities.  
 4 2 (4) The department shall use funds appropriated in this  
 4 3 paragraph "c" to develop a results-based funding approach for  
 4 4 substance abuse treatment services.  
 4 5 (5) The department shall use funds appropriated in this  
 4 6 paragraph "c" to develop a program to encourage individuals  
 4 7 who are successfully managing their substance abuse problems  
 4 8 to serve as role models.  
 4 9 (6) The department shall submit a report annually by March  
 4 10 1, to the governor and the general assembly delineating the  
 4 11 success rates of the substance abuse treatment programs that  
 4 12 receive funding under this paragraph "c".  
 4 13 (7) The department shall use the additional \$2,000,000 in  
 4 14 funds appropriated in this paragraph "c" to fund the  
 4 15 maintenance and enhancement of substance abuse treatment  
 4 16 programs currently funded by the department.  
 4 17 d. For the healthy Iowans 2010 plan within the Iowa  
 4 18 department of public health and for not more than the  
 4 19 following full-time equivalent positions:  
 4 20 ..... \$ 2,509,960  
 4 21 ..... FTEs 4.00  
 4 22 (1) Of the funds appropriated in this paragraph "d", not  
 4 23 more than \$1,157,482 shall be used for core public health  
 4 24 functions, including home health care and public health  
 4 25 nursing services, contracted through a formula by local boards  
 4 26 of health, to enhance disease and injury prevention services.  
 4 27 (2) Of the funds appropriated in this paragraph "d", not  
 4 28 more than \$387,320 shall be used for the continuation and  
 4 29 support of a coordinated system of delivery of trauma and  
 4 30 emergency medical services.  
 4 31 (3) Of the funds appropriated in this paragraph "d", not  
 4 32 more than \$600,000 shall be used for the state poison control  
 4 33 center.  
 4 34 (4) Of the funds appropriated in this paragraph "d", not  
 4 35 more than \$288,770 shall be used for the development of  
 5 1 scientific and medical expertise in environmental  
 5 2 epidemiology.  
 5 3 (5) Of the funds appropriated in this paragraph "d", not  
 5 4 more than \$76,388 shall be used for the childhood lead  
 5 5 poisoning prevention program.  
 5 6 e. For the automated external defibrillator grant program  
 5 7 established pursuant to section 135.26:  
 5 8 ..... \$ 350,000  
 5 9 f. For the center for congenital and inherited disorders  
 5 10 established pursuant to section 136A.3:  
 5 11 ..... \$ 26,000  
 5 12 g. For a grant program to provide substance abuse  
 5 13 prevention programming for children:  
 5 14 ..... \$ 1,050,000

5 15 (1) Of the funds appropriated in this paragraph "g",  
5 16 \$500,000 shall be utilized to provide funding for  
5 17 organizations that provide programming for children by  
5 18 utilizing mentors. Of the amount specified in this  
5 19 subparagraph (1), \$25,000 shall be utilized to provide grants  
5 20 to small community-based organizations that meet the  
5 21 requirements of this subparagraph (1). Programs approved for  
5 22 grants under this subparagraph (1) shall be certified or will  
5 23 be certified within six months of receiving the grant award by  
5 24 the Iowa commission on volunteer services as utilizing the  
5 25 standards for effective practice for mentoring programs.  
5 26 (2) Of the funds appropriated in this paragraph "g",  
5 27 \$500,000 shall be utilized to provide funding for  
5 28 organizations that provide programming that includes out-of-  
5 29 school youth development and opportunities for character  
5 30 development, youth development, and leadership. Of the amount  
5 31 specified in this subparagraph (2), \$25,000 shall be utilized  
5 32 to provide grants to small community-based organizations that  
5 33 meet the requirements of this subparagraph (2). The programs  
5 34 shall also be recognized as being programs that are  
5 35 scientifically-based with evidence of their effectiveness in  
6 1 reducing substance abuse in children.  
6 2 (3) The Iowa department of public health shall utilize a  
6 3 request for proposals process to implement the program under  
6 4 this paragraph "g".  
6 5 (4) All grant recipients under this paragraph "g" shall  
6 6 participate in a program evaluation as a requirement for  
6 7 receiving grant funds.  
6 8 (5) Of the funds appropriated in this paragraph "g",  
6 9 \$50,000 shall be used to administer substance abuse prevention  
6 10 grants and for program evaluations.  
6 11 h. For providing grants to individual patients who have  
6 12 phenylketonuria (PKU) to assist with the costs of necessary  
6 13 special foods:  
6 14 ..... \$ 100,000  
6 15 i. For additional funding to leverage federal funding  
6 16 through the federal Ryan White Care Act, Title II, AIDS drug  
6 17 assistance program supplemental drug treatment grants:  
6 18 ..... \$ 275,000  
6 19 3. To the department of corrections:  
6 20 ..... \$ 4,046,474  
6 21 a. Of the funds appropriated in this subsection, \$228,216  
6 22 is allocated to the first judicial district department of  
6 23 correctional services. Of the funds allocated, \$100,000 shall  
6 24 be used for community-based corrections, and \$128,216 shall be  
6 25 used to replace expired federal funding for dual diagnosis  
6 26 offenders.  
6 27 b. Of the funds appropriated in this subsection, \$406,217  
6 28 is allocated to the second judicial district department of  
6 29 correctional services. Of the funds allocated, \$100,000 shall  
6 30 be used for community-based corrections and \$306,217 shall be  
6 31 used to replace expired federal funding for day programming  
6 32 and to replace expired federal funding for the drug court  
6 33 program with \$50,000 of this amount being used for substance  
6 34 abuse treatment.  
6 35 c. Of the funds appropriated in this subsection, \$200,359  
7 1 is allocated to the third judicial district department of  
7 2 correctional services. Of the funds allocated, \$100,000 shall  
7 3 be used for community-based corrections, and \$100,359 shall be  
7 4 used to replace expired federal funding for the drug court  
7 5 program.  
7 6 d. Of the funds appropriated in this subsection, \$291,731  
7 7 is allocated to the fourth judicial district department of  
7 8 correctional services. Of the funds allocated, \$100,000 shall  
7 9 be used for community-based corrections, and \$191,731 shall be  
7 10 used for the drug court program.  
7 11 e. Of the funds appropriated in this subsection, \$355,693  
7 12 is allocated to the fifth judicial district department of  
7 13 correctional services. Of the funds allocated, \$100,000 shall  
7 14 be used for community-based corrections, and \$255,693 shall be  
7 15 used to replace expired federal funding for the drug court  
7 16 program.  
7 17 f. Of the funds appropriated in this subsection, \$164,741  
7 18 is allocated to the sixth judicial district department of  
7 19 correctional services. Of the funds allocated, \$100,000 shall  
7 20 be used for community-based corrections, and \$64,741 shall be  
7 21 used to replace expired federal funding for dual diagnosis  
7 22 offenders.  
7 23 g. Of the funds appropriated in this subsection, \$232,232  
7 24 is allocated to the seventh judicial district department of  
7 25 correctional services. Of the funds allocated, \$100,000 shall

7 26 be used for community-based corrections, and \$132,232 shall be  
 7 27 used to replace expired federal funding for the drug court  
 7 28 program.  
 7 29 h. Of the funds appropriated in this subsection, \$300,000  
 7 30 is allocated to the eighth judicial district department of  
 7 31 correctional services. Of the funds allocated, \$100,000 shall  
 7 32 be used for community-based corrections, and \$200,000 shall be  
 7 33 used to implement an adult drug court program.  
 7 34 i. Of the funds appropriated in this subsection,  
 7 35 \$1,497,285 is allocated to the Fort Madison correctional  
 8 1 facility for the clinical care unit.  
 8 2 j. Of the funds appropriated in this subsection, \$310,000  
 8 3 is allocated to the Newton correctional facility for a value=  
 8 4 based treatment program.  
 8 5 k. Of the funds appropriated in this subsection, \$60,000  
 8 6 is allocated to the Iowa correctional institution for women at  
 8 7 Mitchellville for a value-based treatment program.  
 8 8 4. To the department for the blind:  
 8 9 ..... \$ 130,000  
 8 10 To plan, establish, administer, and promote a statewide  
 8 11 program to provide audio news and information services to  
 8 12 blind or visually impaired persons residing in this state as  
 8 13 provided pursuant to section 216B.3, subsection 18.  
 8 14 Sec. 2. PURCHASE OF SERVICE CONTRACT PROVIDERS ==  
 8 15 REIMBURSEMENT INCREASE. There is appropriated from the  
 8 16 healthy Iowans tobacco trust created in section 12.65 to the  
 8 17 property tax relief fund created in section 426B.1 for the  
 8 18 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
 8 19 the following amount, or so much thereof as is necessary, to  
 8 20 be used for the purposes designated:  
 8 21 For assistance to the counties with limited county mental  
 8 22 health, mental retardation, and developmental disabilities  
 8 23 services fund balances which were selected in accordance with  
 8 24 2000 Iowa Acts, chapter 1221, section 3, to receive such  
 8 25 assistance in the same amount provided during the fiscal year  
 8 26 beginning July 1, 2000, and ending June 30, 2001, to pay  
 8 27 reimbursement increases in accordance with 2000 Iowa Acts,  
 8 28 chapter 1221, section 3:  
 8 29 ..... \$ 146,750  
 8 30 Sec. 3. IOWA EMPOWERMENT FUND. There is appropriated from  
 8 31 the healthy Iowans tobacco trust created in section 12.65, to  
 8 32 the Iowa empowerment fund created in section 28.9 for the  
 8 33 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
 8 34 for deposit in the school ready children grants account:  
 8 35 ..... \$ 2,153,250  
 9 1 Sec. 4. IOWA COMMISSION ON VOLUNTEER SERVICES. There is  
 9 2 appropriated from the healthy Iowans tobacco trust created in  
 9 3 section 12.65 to the department of economic development for  
 9 4 the fiscal year beginning July 1, 2006, and ending June 30,  
 9 5 2007, the following amount, or so much thereof as is  
 9 6 necessary, to be used for the purpose designated:  
 9 7 For allocation to the Iowa commission on volunteer services  
 9 8 for the Iowa's promise and mentoring partnership program and  
 9 9 for not more than the following full-time equivalent position:  
 9 10 ..... \$ 125,000  
 9 11 ..... FTEs 1.00  
 9 12 Sec. 5. DEPARTMENT OF EDUCATION. There is appropriated  
 9 13 from the healthy Iowans tobacco trust created in section  
 9 14 12.65, to the department of education for the fiscal year  
 9 15 beginning July 1, 2006, and ending June 30, 2007, the  
 9 16 following amount, or so much thereof as is necessary, to be  
 9 17 used for the purpose designated:  
 9 18 To establish a competitive grants program to expand the  
 9 19 availability of before and after school programs:  
 9 20 ..... \$ 150,000  
 9 21 School districts and other public and private organizations  
 9 22 shall be eligible to apply for a grant from the program.  
 9 23 Grant applications shall be assessed by the department based  
 9 24 on the targeted student population and whether the application  
 9 25 demonstrates partnerships and collaboration with  
 9 26 not-for-profit community organizations, if appropriate;  
 9 27 indicates that the school district or organization has access  
 9 28 to training for the program; provides for a safe and engaging  
 9 29 environment; combines academic, enrichment, cultural, and  
 9 30 recreational activities; provides for no less than a 20  
 9 31 percent match; and demonstrates that the school district or  
 9 32 organization is able to sustain the program after the grant is  
 9 33 exhausted. The types of activities supported by an applicant  
 9 34 may include but are not limited to tutoring and supplementing  
 9 35 instruction in basic skills, such as reading, math, and  
 10 1 science; drug and violence prevention curricula and

10 2 counseling; youth leadership activities; volunteer and service  
10 3 learning opportunities; career and vocational awareness  
10 4 preparation; courses and enrichment in arts and culture;  
10 5 computer instruction; character development and civic  
10 6 participation; language instruction, including English as a  
10 7 second language; mentoring; positive interaction with law  
10 8 enforcement; supervised recreation programs; or health and  
10 9 nutrition programs. The department shall make every attempt  
10 10 to leverage additional funding from other public and private  
10 11 sources to support the program provided under this section.  
10 12 Sec. 6. FARMERS WITH DISABILITIES == FEDERAL REPLACEMENT  
10 13 FUNDS. There is appropriated from the general fund of the  
10 14 state to the division of vocational rehabilitation services of  
10 15 the department of education for the fiscal year beginning July  
10 16 1, 2006, and ending June 30, 2007, the following amount, or so  
10 17 much thereof as is necessary, to be used for the purpose  
10 18 designated:  
10 19 For a grant to a national nonprofit organization with over  
10 20 80 years of experience in assisting children and adults with  
10 21 disabilities and special needs and their families through  
10 22 services that include medical rehabilitation, job training and  
10 23 employment services, child care, adult day services, and  
10 24 camping and recreation, in order to replace expired federal  
10 25 funding for a nationally recognized program that has been  
10 26 replicated in 30 other states but which is not available  
10 27 through any other entity in this state that provides  
10 28 assistance to farmers with disabilities in all 99 counties to  
10 29 allow the farmers to remain in their own homes and be  
10 30 gainfully engaged in farming through provision of agricultural  
10 31 worksite and home modification consultations, peer support  
10 32 services, services to families, information and referral, and  
10 33 equipment loan services:  
10 34 ..... \$ 130,000  
10 35 Sec. 7. Section 135.26, Code Supplement 2005, is amended  
11 1 to read as follows:  
11 2 135.26 AUTOMATED EXTERNAL DEFIBRILLATOR GRANT PROGRAM.  
11 3 The department shall establish and implement an automated  
11 4 external defibrillator grant program which provides matching  
11 5 funds to local boards of health, community organizations, or  
11 6 cities for the program after standards and requirements for  
11 7 the utilization of automated external defibrillator equipment,  
11 8 and training on the use of such equipment, are developed at  
11 9 the local level. The objective of the program shall be to  
11 10 enhance the emergency response system in rural areas of the  
11 11 state where access to health care providers is often limited  
11 12 by providing increased access to automated external  
11 13 defibrillator equipment by rural emergency and community  
11 14 personnel. A local board of health, community organization,  
11 15 or city may submit an application to the department for  
11 16 review. The department shall establish criteria for the  
11 17 review and approval of grant applications by rule, and may  
11 18 accept gifts, grants, bequests, and other private  
11 19 contributions, as well as state or federal funds, for purposes  
11 20 of the program. The amount of a grant shall not exceed fifty  
11 21 percent of the cost of the automated external defibrillator  
11 22 equipment to be distributed to the applicant and the training  
11 23 program to be administered by the applicant at the local  
11 24 level. Each application shall include information  
11 25 demonstrating that the applicant will provide matching funds  
11 26 of fifty percent of the cost of the program. Grant recipients  
11 27 shall submit an annual report to the department indicating  
11 28 automated external defibrillator equipment usage levels,  
11 29 patient outcomes, and number of individuals trained. For the  
11 30 purposes of this section, "rural" means a geographic area  
11 31 outside an urban or suburban setting with a population of less  
11 32 than fifty thousand persons.  
11 33 Sec. 8. 2005 Iowa Acts, chapter 176, section 1, subsection  
11 34 1, paragraph a, unnumbered paragraph 2, is amended to read as  
11 35 follows:  
12 1 Of the amount appropriated in this paragraph, ~~\$50,000~~  
12 2 \$150,000 shall be used to continue the efforts of the Iowa  
12 3 chronic care consortium pursuant to 2003 Iowa Acts, chapter  
12 4 112, section 12, as amended by 2003 Iowa Acts, chapter 179,  
12 5 sections 166 and 167.  
12 6 Sec. 9. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRANSFER.  
12 7 In addition to the amount transferred pursuant to section  
12 8 12E.12, subsection 1, paragraph "b", subparagraph (2),  
12 9 subparagraph subdivision (b), \$10,925,000 is transferred from  
12 10 the endowment for Iowa's health account of the tobacco  
12 11 settlement trust fund created in section 12E.12 to the healthy  
12 12 Iowans tobacco trust created in section 12.65 for the fiscal

12 13 year beginning July 1, 2006, and ending June 30, 2007.  
12 14 Sec. 10. EFFECTIVE DATE. The section of this Act amending  
12 15 2005 Iowa Acts, chapter 176, section 1, being deemed of  
12 16 immediate importance, takes effect upon enactment.  
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12 19 \_\_\_\_\_  
12 20 CHRISTOPHER C. RANTS  
12 21 Speaker of the House  
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12 23 \_\_\_\_\_  
12 24 JEFFREY M. LAMBERTI  
12 25 President of the Senate  
12 26  
12 27

12 28 I hereby certify that this bill originated in the House and  
12 29 is known as House File 2743, Eighty-first General Assembly.  
12 30

12 31 \_\_\_\_\_  
12 32 MARGARET THOMSON  
12 33 Chief Clerk of the House  
12 34

12 35 Approved \_\_\_\_\_, 2006

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13 2  
13 3 \_\_\_\_\_  
13 4 THOMAS J. VILSACK  
13 5 Governor